



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

**CORRESPONDENCE.**

---

**Allowance of Bill of Exceptions by Successor of Trial Judge.**

---

Editor Virginia Law Register: You report in your issue of this month (Vol. 18, p. 922) the case of Southall *v.* Evans, 76 S. E. 929, in which the Court of Appeals holds in substance that when a judge who has tried a case becomes incapacitated before passing on a proposed bill of exceptions, his successor may allow the bill. In the case of Brent *v.* Chas. H. Lilly Co., 202 Fed. Rep. 335, the United States District Court for the state of Washington held, on January 30, 1913, that the law is the same in the federal courts, namely, that where the District Judge resigned without ruling on a petition for new trial and settlement of the bill of exceptions, but there was a full stenographic report of the proceedings of the trial, the notice of which were extended, the defeated party was not entitled to a new trial as a matter of right, under Act June 5, 1900, c. 717, 31 Stat. 270 (U. S. Comp. St. 1901, p. 696), providing that, where the trial judge by reason of disability is unable to pass on a motion for new trial and allow a bill of exceptions, his successor shall do so, where the evidence has been taken in stenographic notes.

The opinion of Cushman, District Judge, contains an elaborate list of the authorities pro and con, which can be consulted by any one who desires further to examine the law, either from the State or federal standpoint.

GEORGE BRYAN.

Richmond, Va.

April 5, 1913.